

Message Text

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TO AMEMBASSY MADRID PRIORITY

LIMITED OFFICIAL USE STATE 162938

FOL RPT STATE 162938 ACTION NEW DELHI INFO BOMBAY JUN 30

QUOTE: LIMITED OFFICIAL USE STATE 162938

E.O. 11652: N/A

TAGS: TECH

SUBJ: GLENN/PASTORE AND ANDERSON/PRICE AMENDMENTS ON
NUCLEAR EXPORTS

REF: (A) NEW DELHI 9658 (B) NEW DELHI 9551

1. ON JUNE 25, SENATE ACCEPTED GLENN/PASTORE AMENDMENT
TO ERDA APPROPRIATIONS BILL AS FOLLOWS. BEGIN TEXT.
SECTION 407. NO NUCLEAR FUEL SHALL BE EXPORTED TO SUPPLY
A NUCLEAR POWER REACTOR UNDER AN AGREEMENT FOR COOPERATION
WHICH HAS NOT BEEN REVIEWED BY THE CONGRESS OF THE UNITED
STATES UNDER THE PROCEDURES IN SECTION 123 D. OF THE
ATOMIC ENERGY ACT OF 1954 (42 U.S.C. 2153 (D)), AS AMENDED
BY PUBLIC LAW 93-485, DIRECTLY OR INDIRECTLY TO A NON-
NUCLEAR WEAPONS STATE (WITHIN THE MEANING OF THE TREATY
ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS) WHICH HAS NOT
RATIFIED THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR
WEAPONS UNLESS THE FIRST PROPOSED LICENSE UNDER SUCH AGREE-
MENT AUTHORIZING THE EXPORT OF EITHER SUCH REACTOR OR SUCH
FUEL AFTER THE DATE OF THIS ACT IS FIRST SUBMITTED TO THE
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CONGRESS FOR REVIEW UNDER THE CONFRESSIONAL REVIEW PROCE-
DURES PROVIDED FOR AGREEMENTS FOR COOPERATION IN THE ABOVE-
REFERENCED SECTION 123 D. OF THE ATOMIC ENERGY ACT OF 1954
AS AMENDED. END TEXT. GLENN/PASTORE AMENDMENT IS SIMILAR

TO ANDERSON/PRICE AMENDMENT PASSED BY HOUSE ON MAY 20
EXCEPT THAT FORMER DOES NOT APPLY TO NWS WHICH HAVE
NOT RATIFIED NPT (I.E. TO FRANCE) WHILE LATTER DOES.
BILLS NOW GO TO CONFERENCE FOR RECONCILIATION. CONFERENCE,
HOWEVER, NOT SCHEDULED UNTIL AFTER JULY RECESS.

2. EFFECT OF GLENN/PASTORE AMENDMENT WAS SUMMARIZED
DURING DEBATE BY SENATOR GLENN AS FOLLOWS. BEGIN TEXT.
THIS AMENDMENT WILL HAVE THE LAUDABLE RESULT OF PUTTING
SOME DEGREE OF PRESSURE ON THOSE COUNTRIES WISHING TO DO
BUSINESS WITH US IN THE NUCLEAR AREA EITHER TO RATIFY THE
NPT OR TO UNDERGO GREATER CONGRESSIONAL SCRUTINY OF THEIR
NUCLEAR EXPORT AGREEMENTS WITH US. AMONG COUNTRIES WHICH
WILL BE AFFECTED BY THIS AMENDMENT ARE SPAIN, SOUTH AFRICA,
PORTUGAL, ISRAEL, INDIA, AND BRAZIL, NONE OF WHICH HAVE
RATIFIED THE NPT. IT IS OF PARTICULAR INTEREST, IN THE
LIGHT OF RECENT PUBLICITY, TO CONSIDER THE EFFECT THIS
AMENDMENT WOULD HAVE ON OUR AGREEMENTS WITH INDIA AND
SPAIN.

IN THE CASE OF INDIA, WHICH EXPLODED A NUCLEAR DEVICE IN
1974 AND WHICH HAS A REPROCESSING PLANT AND SEVERAL OTHER
NUCLEAR FACILITIES OUTSIDE OF SAFEGUARDS, THERE ARE FUEL
SHIPMENT LICENSES FOR THE U.S.-SUPPLIED TARAPUR REACTOR
PRESENTLY PENDING BEFORE THE NUCLEAR REGULATORY COMMISSION.
SINCE INDIA'S AGREEMENT WITH US PREDATES PUBLIC
LAW 93-485, AND SINCE INDIA IS NOT A PARTY TO THE NPT,
THE GLENN/PASTORE AMENDMENT WOULD REQUIRE THAT THE FIRST
TARAPUR FUEL LICENSE APPROVED BY THE NRC FOLLOWING ENACTMENT
OF THIS ACT BE REVIEWED BY CONGRESS FOR 60 DAYS. THE
LICENSE WOULD TAKE EFFECT AFTER THIS 60-DAY PERIOD UNLESS
CONGRESS PASSED A CONCURRENT RESOLUTION OF DISAPPROVAL
PURSUANT TO THE PROCEDURES SPELLED OUT IN SECTION 123 (D)
OF THE ATOMIC ENERGY ACT.

THE SAME PROCEDURE WILL APPLY TO SPAIN THE NEXT TIME A
LICENSE APPLICATION IS FILED FOR EXPORTING REACTOR FUEL
TO THAT COUNTRY. END TEXT.

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3. DURING THE DEBATE SENATOR BAKER OFFERED FOLLOWING
PROVISION TO GLENN/PASTORE AMENDMENT. BEGIN QUOTE. "PRO-
VIDED, HOWEVER, THAT THE FOREGOING PROHIBITION SHALL NOT
APPLY (1) IF THE PRESIDENT DETERMINES THAT PROMPT ISSUANCE
OF A LICENSE WILL PROMOTE AND WILL NOT CONSTITUTE AN UN-
REASONABLE RISK TO THE COMMON DEFENSE AND SECURITY, AND
(2) SUCH PRESIDENTIAL EXCEPTIONS ARE CONFINED TO THE
DELIVERY OF FUEL UNDER ENRICHMENT SERVICE CONTRACTS PUR-
SUANT TO WHICH DELIVERIES HAVE ALREADY TAKEN PLACE AS OF
THE DATE OF THIS ACT, OR FOR POWER REACTOR PROJECTS COVERED
BY ENRICHMENT SERVICE CONTRACTS ON WHICH CONSTRUCTION
HAS BEEN INITIATED AS OF THE DATE OF THIS ACT." END QUOTE.

WOULD EXAMINE EXISTING CONTRACTS.

4. YOU MAY PASS ABOVE TO GOI.

5. BEGIN FYI ONLY. ON JUNE 28 JCAE STAFF REQUESTED
DEPARTMENT'S VIEWS ON GLENN/PASTORE AMENDMENT AND BAKER
PROVISO. DEPARTMENT'S DRAFT REPLY NOT YET DELIVERED TO
JCAE OPPOSES BOTH GLENN/PASTORE AND ANDERSON/PRICE TEXTS
ON BOTH SUBSTANTIVE AND CONSTITUTIONAL GROUNDS. DEPART-
MENT URGES, AT MINIMUM, INCORPORATION OF ADDITIONAL AMEND-
MENT ALONG LINES PROPOSED BY SENATOR BAKER. END FYI. KISSINGER

UNQUOTE KISSINGER

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<< END OF DOCUMENT >>

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